

### REMARKS

Claims 1-27 and 29-34 are pending in the application. In an Office Action mailed February 7, 2001, independent Claim 1 was rejected under 35 U.S.C. § 102(e). Further, independent Claims 1, 14, and 20, as well as certain dependent claims stemming therefrom, were rejected under 35 U.S.C. § 102(b). Claims 10-13, 16-19, 22-25, 27, and 29-32 were noted as containing allowable subject matter. Finally, independent Claims 26, 33, and 34 were allowed.

In view of the above amendments and the remarks that follow, applicant respectfully requests reconsideration and submits that all claims are now in condition for allowance.

#### Rejections Under 35 U.S.C. § 102(e)

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,890,724, issued to Gignoux et al., and assigned to Rossignol. The Office Action sets forth the position that Rossignol discloses a skate frame for an inline skate that includes an elongate first structural member having first and second sidewalls depending downward from a first upper surface 25. The lower ends of the sidewalls are spaced to receive wheels 5 therebetween, and flexible vibration dampening means 38 integrally formed with the sidewalls of the first structural member for absorbing at least a portion of the vibrational energy transmitted from the surface to the shoe portion when the skate traverses the surface. Applicant respectfully disagrees.

Applicant notes that Rossignol does not disclose a skate frame that includes flexible vibration dampening means, as set forth in independent Claim 1. As may be best seen by referring to FIGURES 15-17, the skate frame of Rossignol includes two cranks 37 that "engage freely in two disks 38 made of material having a low coefficient of friction, for example, DELRIN (registered trademark) which are mounted so as to *rotate* in circular cutouts in the lateral faces of the chassis 35." Column 4, lines 22-25 (emphasis added). Moreover, Claims 11

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and 12 of Rossignol expressly recite that the disks 38 are for "limiting the travel of the upper chassis."

Note that there is no disclosure or support within Rossignol of the Office Action's conclusion that Rossignol teaches "flexible vibration dampening means (38) integrally formed with the sidewalls of the first structural member for absorbing at least a portion of the vibrational energy transmitted from a surface to the shoe portion when the skate traverses the surface." Instead, Rossignol expressly teaches disks 38 that are mounted to rotate in circular cutouts of a chassis 35 of a skate frame. Further, as noted above, the disks of Rossignol are adapted to limit the travel of the upper chassis. Again, applicant respectfully notes that Rossignol is silent with regard to flexible vibration dampening. Finally, applicant respectfully submits that there is no teaching or suggestion within Rossignol of either the need or desire of a skate frame that includes flexible vibration dampening means as set forth in independent Claim 1.

Thus, applicant respectfully submits that Rossignol fails to teach or suggest flexible vibration dampening means, and therefore, does not anticipate the embodiment of Claim 1.

Rejections Under 35 U.S.C. § 102(b)

Independent Claims 1, 14, and 20, as well as certain dependent claims stemming therefrom, stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,092,614, issued to Malevich. Applicant respectfully disagrees.

As previously noted in an earlier response, Malevich teaches a skate frame that includes front and rear mounting surfaces 200, 204, 210, and 214 that *resist side-to-side flexing* of the skate frame. Column 11, lines 30-32 (emphasis added). Additionally, Malevich *expressly* teaches that the skate frame, which includes the curved portions 130 and 160, in general provide a more stable structure than prior art because "they *resist lateral twisting and flexing*" better than prior art frames. Column 11, lines 35-39 (emphasis added). Thus, Malevich teaches an inline

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skate frame that includes curved portions to *resist* flexing. This is not the embodiment of Claims 1 and 14.

Applicant respectfully submits that the skate frame of Malevicz does not anticipate the embodiments of Claims 1 and 14 because it fails to teach or suggest a skate frame having a *flexible* vibration dampening means. It is the position of the Office Action that Malevicz teaches contoured portions 130 and 160 of a skate frame for "absorbing at least a portion of vibrational energy transmitted from the surface to the shoe portion when the skate traverses the surface." With regard to Claim 14, the Office Action sets forth the position that Malevicz teaches a skate frame that includes "vibration dampening member (130, 160) integrally formed with the sidewalls (32, 34) of the first and second structural members (32, 14) for absorbing at least a portion of the vibrational energy transmitted from the surface to the shoe portion when the skate traverses the surface." As noted above, the frames of Malevicz, which *include* the curved portions 130 and 160, provide a more stable structure than prior art "because they *resist* lateral twisting and *flexing*" better than the prior art. Column 11, lines 35-39 (emphasis added). Again, as noted above, Malevicz expressly teaches an inline skate frame having curved portions to *resist* flexing. Accordingly, because Malevicz expressly teaches away from applicant's claimed embodiments of independent Claims 1 and 14, applicant respectfully submits that these claims are not anticipated by Malevicz.

Applicant further submits that Claims 1 and 14 are also nonobvious over the disclosure of Malevicz. In this regard, there is no teaching or suggestion of a need or desire for flexible vibration dampening means integrally formed with the sidewalls of a skate frame for absorbing at least a portion of vibrational energy, as generally recited in Claim 1. Further, Malevicz also fails to teach or suggest the need or desire of a skate frame having a vibrational dampening member that is flexible, thereby absorbing at least a portion of vibrational energy associated with

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traversing the surface, as set forth in Claim 14. In fact, as noted above, Malevicz *expressly* teaches away from flexible sidewalls, wherein the sidewalls of Malevicz are expressly described as *resisting* lateral twisting and flexing. Column 11, lines 38-39. Accordingly, applicant respectfully submits that Claims 1 and 14 are also nonobvious over the disclosure of Malevicz.

With regard to Claim 20, applicant has amended Claim 20 to include the subject matter of Claim 22, which was indicated as allowable. Therefore, applicant submits that Claim 20 should now be found allowable.

Applicant respectfully submits that the dependent claims of the present application are allowable for at least the reasons discussed above. Additionally, the dependent claims have further limitations that distinguish over the foregoing references, whether taken individually or in hypothetical combination. Therefore, applicant respectfully submits that the dependent claims of the present application should now also be found allowable.

Allowable Subject Matter:

Claims 10-13, 16-19, 22-25, 27, and 29-32 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicant acknowledges and thanks the Examiner for this notice of allowable subject matter.

Allowed Claims:

Claims 26, 33, and 34 were noted as allowed. Once again, applicant thanks the Examiner for this notice of allowed claims.

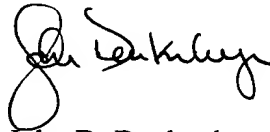
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CONCLUSION

In light of the foregoing amendments and remarks, applicant respectfully submits that the present application is now in condition for allowance. Applicant respectfully requests entry of the amendments and reconsideration and allowance of all claims. The Examiner is invited to telephone the undersigned attorney if there are any remaining issues.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE JULY 9, 2001

20. (Amended) A skate frame for an in-line skate, the skate having a shoe portion and a plurality of longitudinally aligned wheels capable of traversing a surface, the skate frame comprising:

(a) an elongate carrier frame having first and second sidewalls held in spaced parallel disposition by a first upper wall and an open lower end spaced to receive the wheels therebetween; [and]

(b) an elongate outer shell having first and second sidewalls and an open lower end, the sidewalls of the outer shell being spaced to receive the carrier frame therebetween such that the sidewalls of the outer shell overlap at least a portion of the sidewalls of the carrier frame, the sidewalls of the carrier frame and the outer shell having a predetermined cross sectional shape to permit the sidewalls to flex, thereby absorbing at least a portion of the vibrational energy transmitted from the surface to the shoe portion when the skate traverses the surface[.]; and

(c) an elastomeric shear layer disposed between the carrier frame and the outer shell when the carrier frame is received within the outer shell, the shear layer absorbs at least a portion of the vibrational energy transmitted from the surface to the shoe portion when the skate traverses the surface.

24. (Amended) The skate frame of Claim [23] 21, wherein the sidewalls of the first structural member extend to the lower end of the arcuate cross sectional shape of the second structural member.

Claims 22 and 23 have been canceled.

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